

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 993/2021 & CRL.M.A. 5066/2021

Date of decision: 26th March, 2021

IN THE MATTER OF:

SH. VIKRAMJEET SINGH

..... Petitioner

Through

Mr. Jitender Solanki and Mr. Vikrant,
Advocates for the petitioner along
with petitioner in person.

versus

STATE & ANR.

..... Respondents

Through

Ms. Kusum Dhalla, APP for the State.
Mr. Ashok Kumar Kailashi and Mr.
Sushil rattan Yadav, Advocates for
the complainant/respondent No.2.
along with the complainant in person.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

SUBRAMONIUM PRASAD, J.

1. The present petition under Section 482 of the Code of Criminal Procedure (Cr.P.C.) has been filed for quashing FIR No.526/2020, dated 15.07.2020, registered at Police Station Vikas Puri, Delhi, for offences under Sections 354 and 506 IPC, on the ground that the complainant and the petitioner/accused have amicably settled the matter and no useful purpose would be served in continuing the proceedings.

2. Shorn of details the facts leading to the petition are as follows:

- a) The prosecutrix registered a complaint on 15.07.2020 in Police Station Vikas Puri stating that on 15.07.2020, at about 4:30 PM, after finishing work at her office she was sitting at PVR complex on

the backside of PVR slums beside an open gym with her three colleagues.

b) It is stated that the petitioner herein came towards them and started talking to the prosecutrix and said that he is a millionaire. When he was rebuked and asked to go away he left, but after ten minutes he once again came there and tried to speak with the prosecutrix. It is stated that the prosecutrix wanted to go away but the petitioner held her hand and twisted it behind her back.

c) It is stated that he hit the prosecutrix on her face and her spectacles fell down. It is further stated that the petitioner hit the prosecutrix with his bag.

d) It is stated that when the prosecutrix started making noise, people started gathering there and the petitioner ran away. On the basis of the complaint, FIR No.526/2020, dated 15.07.2020, was registered at Police Station Vikas Puri, Delhi, for offences under Sections 506 and 354 IPC.

e) The petitioner was arrested on 21.07.2020 and later on released on bail.

f) Charge-sheet has been filed.

3. As stated above this petition has been filed on the ground that the parties have compromised. The complainant is present in the Court today. The complainant states that she would not like to pursue with the matter.

4. In the present case it is the victim who is the ultimate sufferer. She has been harassed by the petitioner and she is being further harassed in the proceedings initiated against the petitioner.

5. It is well settled that the High Court has the power to quash

FIR/complaint on the basis of a compromise arrived at between the parties while exercising its jurisdiction under Section 482 Cr.P.C. The Supreme Court in Gian Singh v. State of Punjab, (2012) 10 SCC 303 observed as under:

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.:

(i) to secure the ends of justice, or

(ii) to prevent abuse of the process of any court.

In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such

offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

6. A perusal of the complaint shows that the petitioner has acted in a very high handed manner. There are CCTV footages which show that the petitioner has committed the offence under Section 354 and 506 IPC. There are eye-witnesses to the incident. Since the complainant does not want to pursue the complaint it would be futile to continue with the prosecution.

7. Looking at the facts and the conduct of the petitioner, this Court is inclined to direct the petitioner to do some social service to atone for his sins. He is also warned not to repeat such actions in the future.

8. The petitioner is directed to do one month community service at the de-addiction Centre run by the Society for Promotion of Youth & Masses Centre, Plot No.321, Jain Mandir Wali Gali, Delhi Gate, Darya Ganj, Delhi-110002, from 01.04.2021 to 30.04.2021.

9. This Court is also inclined to impose cost of Rs.1,00,000/-(Rupees One Lakh Only) on the petitioner. The amount shall be paid to the following institutions:

- a) Sum of Rs.25,000/-(Rupees Twenty Five Thousand Only) in the 'DHCBA Lawyers Social Security and Welfare Fund'.
- b) Sum of Rs.25,000/-(Rupees Twenty Five Thousand Only) in the 'Nirmal Chhaya Foundation'.
- c) Sum of Rs.50,000/-(Rupees Twenty Five Thousand Only) in the 'Army Welfare Fund Battle Casualties'.

Copy of the receipts be filed with the Registry within three weeks from today to show compliance of the order. After completion of one month, a certificate from the Centre be also filed to show compliance of the order. In case of any absenteeism/default on the part of the petitioner or any misbehavior on the part of the petitioner the same shall be conveyed immediately by the Centre to the concerned SHO, who shall in turn inform the learned APP for the State, for bringing the same to the notice of the Court and for seeking recall of the orders passed today.

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10. With the above directions the petition is disposed of along with the pending application.

11. A copy of this order be transmitted to Society For Promotion of Youth & Masses.

SUBRAMONIUM PRASAD, J.

MARCH 26, 2021

Rahul



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